

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 7316**

**BILL NUMBER:** SB 242

**NOTE PREPARED:** Apr 3, 2003

**BILL AMENDED:** Apr 3, 2003

**SUBJECT:** Medical Review and Driver's Licenses.

**FIRST AUTHOR:** Sen. Landske

**FIRST SPONSOR:** Rep. Cheney

**BILL STATUS:** CR Adopted - 2<sup>nd</sup> House

**FUNDS AFFECTED:** ☒ **GENERAL**  
☒ **DEDICATED**  
☐ **FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** (Amended) This bill: (1) renames the Driver Licensing Advisory Committee as the Driver Licensing Medical Advisory Board; (2) requires one member of the Board to be a neurologist with expertise in epilepsy; (3) makes it a Class B misdemeanor for causing serious bodily injury to or the death of another person when operating a motor vehicle after knowingly or intentionally failing to take prescribed medication, the taking of which is a condition of the issuance of a restricted driver's license (4) makes it a Class A misdemeanor for the commission of the offense after certain prior convictions; (5) requires suspension of the person's driver's license after conviction; and (6) makes conforming changes.

**Effective Date:** July 1, 2003.

**Explanation of State Expenditures:** *Part 5 - License Suspension:* The Bureau of Motor Vehicles (BMV) will suspend licenses through its current license suspension protocol. There will be no additional fiscal impact. In CY 2001, 133,439 licenses were suspended.

**Explanation of State Revenues:** *(Revised) Parts 3 and 4 Penalty Provisions:* If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class A misdemeanor is \$5,000, while the maximum for a Class B misdemeanor is \$1,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

**Explanation of Local Expenditures:** *(Revised) Penalty Provision:* A Class A misdemeanor is punishable by up to one year in jail. A Class B misdemeanor is punishable by up to 180 days in jail. The average daily

cost to incarcerate a prisoner in a county jail is approximately \$44.

**Explanation of Local Revenues:** *Penalty Provision:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

**State Agencies Affected:** Department of Correction; Bureau of Motor Vehicles.

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:** Indiana Sheriffs Association, Department of Correction.

**Fiscal Analyst:** James Sperlik, 317-232-9866.